

**PUBLIC HEALTH DEPARTMENT[641]**

**Adopted and Filed Emergency After Notice**

Pursuant to the authority of Iowa Code section 135.17, the Department of Public Health hereby amends Chapter 51, "Dental Screening," Iowa Administrative Code.

The rules in Chapter 51 describe the school dental screening requirement, including dental screening applicants, providers, and documentation. These amendments incorporate changes made in 2010 Iowa Acts, House File 2144.

Notice of Intended Action was published in the Iowa Administrative Bulletin on May 19, 2010, as **ARC 8763B**. A public hearing was held June 8, 2010, through the Iowa Communications Network at five locations. Written comments were received from 12 school nurses and 2 dental hygienists. Comments received concerned the following:

- The time frame during which a screening is valid. The amendment allows for the screening to be valid for four months after the enrollment date, which is less restrictive than previous rule language; the concern was addressed in the amendments by allowing exceptions to the four-month timeline;
- The requirement that only the Iowa Department of Public Health Certificate of Dental Screening form be used; the concern was addressed in these amendments by allowing qualified health care providers to record information from another form;
- The difficulty of implementing the amended rules during the 2010-2011 school year; the concern will be addressed through communication with and technical assistance provided to school nurses.

In addition, the following comments were received:

- There was a request to add gingivitis and referral information to the Certificate of Dental Screening form, which will be considered in the next printing of the form.
- There was a request for paperless record keeping; this would require additional funding.
- There was a comment about the difficulty of implementation due to lack of consequences for students who do not comply; this would require new legislation.
- There was a comment about the definition of "enrollment date"; this will be clarified through communication with school nurses and the public.

Comments were also received in support of the amendments.

The adopted amendments are identical to those published under Notice.

The Department finds that, pursuant to Iowa Code section 17A.5(2)"b"(2), the normal effective date of the amendments should be waived and these amendments should be made effective upon filing, as it confers a benefit to schools and families to have the amendments effective prior to the 2010-2011 school year.

The State Board of Health adopted these amendments on July 14, 2010.

These amendments became effective on July 14, 2010.

These amendments are intended to implement 2009 Iowa Code Supplement section 135.17 as amended by 2010 Iowa Acts, House File 2144, sections 2 and 3.

The following amendments are adopted.

ITEM 1. Amend **641—Chapter 51**, parenthetical implementation statute, as follows:  
(~~82GA, ch 146, SF 2111~~ 135)

ITEM 2. Amend the following definitions in rule **641—51.2(135)**:

*"Applicant"* means any person seeking first-time enrollment in ~~an Iowa elementary school or high school~~ kindergarten or ninth grade in a public or accredited nonpublic elementary school or high school in Iowa.

*"Dental hygienist"* means a person licensed to practice as a dental hygienist ~~pursuant to Iowa Code chapter 153.~~

*"Dentist"* means a person licensed to practice as a dentist ~~pursuant to Iowa Code chapter 153.~~

*“Elementary school”* means kindergarten, ~~if provided, and grades one through~~ grade six in an Iowa school district or accredited nonpublic school.

~~“Infection or injury”~~ *Severe infection* means ~~soft tissue laceration, excessive~~ bleeding, or swelling, or a broken or dislodged tooth or pus discharge; or an abscess.

*“Nurse”* means a person licensed to practice as a registered nurse or advanced registered nurse practitioner pursuant to Iowa Code chapter 152.

*“Physician”* means a person licensed to practice medicine and surgery or osteopathic medicine and surgery pursuant to Iowa Code chapter 148, 150, or 150A.

*“Physician assistant”* means a person licensed to practice as a physician assistant ~~pursuant to Iowa Code chapter 148C.~~

*“Requires dental care”* means that tooth decay or a white spot lesion is suspected in one or more teeth or that gum infection is suspected.

*“Requires urgent dental care”* means that obvious tooth decay is present in one or more teeth, ~~the child is experiencing pain, or there is evidence of~~ injury or severe infection or injury, or the child is experiencing pain.

ITEM 3. Rescind the definition of “Transfer student” in rule **641—51.2(135)**.

ITEM 4. Adopt the following new definitions in rule **641—51.2(135)**:

*“Gum infection”* means that gum (gingival) tissue is red, bleeding, or swollen.

*“Injury”* means soft tissue laceration or a broken or dislodged tooth.

*“Recorder”* means a dentist, dental hygienist, physician, physician assistant, or nurse who is authorized to record screening information and sign the Certificate of Dental Screening form.

ITEM 5. Amend rule 641—51.3(135) as follows:

**641—51.3(135) Persons included.** The dental screening requirements specified in this chapter apply to all persons ~~newly enrolled or attempting to enroll for the first time~~ seeking first-time enrollment in kindergarten or ninth grade in a public or accredited nonpublic elementary school or high school in Iowa.

ITEM 6. Amend subrules 51.7(1) and 51.7(2) as follows:

**51.7(1)** Elementary school. To be valid, a minimum of one dental screening shall be performed on an applicant no earlier than three years of age but ~~prior to reaching six years of age~~ no later than four months after the enrollment date.

**51.7(2)** High school. To be valid, a minimum of one dental screening shall be performed on an applicant ~~with~~ no earlier than one year prior to the enrollment date and no later than four months after the enrollment date.

ITEM 7. Amend subrule 51.8(1) as follows:

**51.8(1)** To be valid, the certificate of dental screening shall be the department certificate or a form approved in writing by the department.

*a.* The Certificate of Dental Screening form is available on the department’s Web site at [http://www.idph.state.ia.us/hpcdp/oral\\_health.asp](http://www.idph.state.ia.us/hpcdp/oral_health.asp) or is available by calling the department at (866)528-4020.

~~*b.* Elementary school. The certificate of dental screening shall be signed by a dentist, dental hygienist, physician, physician assistant, or nurse.~~

~~*c.* High school. The certificate of dental screening shall be signed by a dentist or dental hygienist.~~

~~*d.*~~ *b.* The certificate of dental screening shall include all information required by 641—51.9(82GA, ch146, SF2111 135).

*c.* The certificate of dental screening may also be deemed valid by the department if the department determines that the information on the certificate substantially complies with the dental screening requirements.

ITEM 8. Amend rule 641—51.9(135) as follows:

**641—51.9(135) Dental screening documentation.**

**51.9(1) *Student information.*** A person ~~performing~~ authorized to perform a dental screening required by this chapter shall record the following student information or ensure that such information is recorded on the certificate of dental screening provided or approved in writing by the department of public health in cooperation with the department of education:

1. Name (first and last);
2. Birth date;
3. Parent or guardian name;
4. Telephone numbers (home or mobile);
5. Address (street, city, and county);
6. School;
7. Grade level; and
8. Gender; ;
9. ~~Treatment needs (no obvious problems, requires dental care, requires urgent dental care);~~
10. ~~Date of dental screening;~~
11. ~~Provider type;~~
12. ~~Provider name, business address, and telephone number; and~~
13. ~~Provider signature.~~

**51.9(2) *Screening information.*** A person authorized to perform a dental screening required by this chapter shall record the following screening information on the certificate of dental screening provided or approved in writing by the department of public health in cooperation with the department of education:

1. Date of dental screening;
2. Treatment needs (no obvious problems, requires dental care, requires urgent dental care);
3. Provider type;
4. Provider name, business address, and telephone number; and
5. Provider or recorder signature and credentials.

ITEM 9. Amend subrule 51.12(2) as follows:

**51.12(2)** By ~~June 30~~ May 31 annually, each local board of health shall furnish the department with evidence for the preceding school year that each child enrolled in any public or accredited nonpublic school within the local board's jurisdiction met the dental screening requirement.

ITEM 10. Amend **641—Chapter 51**, implementation sentence, as follows:

These rules are intended to implement ~~2007 Iowa Acts, chapter 146, and 2008 Iowa Acts, Senate File 2444~~ 2009 Iowa Code Supplement section 135.17 as amended by 2010 Iowa Acts, House File 2144, sections 2 and 3.

[Filed Emergency After Notice 7/14/10, effective 7/14/10]

[Published 8/11/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/11/10.